



NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WASTE MANAGEMENT  
HAZARDOUS WASTE SECTION

### Summary and Status of Recent Hazardous Waste Rules in North Carolina\*\*\*

Federal Rules Not Yet in Effect or Federal Rules that Require North Carolina Rulemaking							
Federal Rule Title	Federal Register Information	Specific Rules/Regulations Affected		Federal Effective Date	Effective Date in North Carolina	Date of NC Authorization	Comments
		State Rules (15A NCAC 13A ...)	Federal Rule Incorporated by Reference (40 CFR...)				
<a href="#">Modernizing Ignitable Liquids Determinations</a>	<a href="#">85 FR 40594; 7/7/2020</a>	.0101(e)	260.11	September 8, 2020	September 8, 2020	Not yet Authorized*	The provisions of this federal rule will be automatically incorporated by reference with no amendments required to be made to the state rules.**
		.0106(c)	261.21(a)				
<a href="#">Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine</a>	<a href="#">84 FR 5816, 2/22/2019</a>	.0106(a) & (d)	261.4(a), 261.7(c), 261.33	August 21, 2019	Sewer Prohibition and Amendment to P075 Nicotine Listing effective August 21, 2019.  Subpart P Provisions (40 CFR 266.500-266.510) effective July 1, 2020.	Not yet Authorized*	North Carolina has completed rulemaking to incorporate by reference federal provisions 40 CFR 266.500 through 266.510 (subpart P). EPA administered and enforced sewer prohibition (40 CFR 266.505) until NC adopted.+
		.0107(a)	262.10(m), (n); 262.13(c), 262.14(a),				
		.0109(a)	264.1(g)(13)				
		.0110(a)	265.1(c)(16)				
		.0111(g), (h)	266.500-510 (subpart P)				
		.0112(a) & (e)	268.7(a), 268.50(a)				
		.0113(a)	270.1(c)				
		.0119(g)	273.80(a), (d)				

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<a href="#">Hazardous Waste Electronic Manifest User Fee Rule</a>	<a href="#">83 FR 420, 1/3/2018</a>	.0101(d)	260.4, 260.5	June 30, 2018	July 1, 2020	Not yet Authorized*	North Carolina has completed rulemaking to incorporate by reference federal provisions 40 CFR 260.4 and 260.5. EPA administered and enforced 40 CFR 260.4 and 260.5 until NC adopted.

- \* Authorization does not have any bearing on rules being effective in North Carolina. Authorization allows federal enforcement of the state regulations and allows North Carolina to maintain the RCRA Hazardous Waste Management Program in lieu of EPA.
- \*\* Amendment of state rules is not required/necessary due to the use of prospective adoption wording in the state rules (e.g. “*40 CFR 273.10 through 273.20 (Subpart B), “Standards for Small Quantity Handlers of Universal Waste” are incorporated by reference including subsequent amendments and editions.*”) so these new federal provisions are automatically adopted in the state rules.
- \*\*\* The list of Federal Rules Not Yet in Effect or Federal Rules that Require North Carolina Rulemaking is all inclusive. The list of Federal Rules Already In Effect In North Carolina is not all inclusive and only includes recent federal rules.
- + NCDEQ, Hazardous Waste Section guidance documents can be found at this link:  
<https://deq.nc.gov/about/divisions/waste-management/hw/technical-assistance-education-guidance/documents>

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		State Rules (15A NCAC 13A ...)	Federal Rule Incorporated by Reference (40 CFR...)				
<a href="#">Adding Aerosol Cans to the Universal Waste Regulations</a>	<a href="#">84 FR 67202, 12/9/2019</a>	.0102(b)	260.10	February 7, 2020	February 7, 2020	Not yet Authorized*	These federal provisions were automatically incorporated by reference with no amendments required to be made to the state rules.** +
		.0106(a)	261.9				
		.0109(a)	264.1				
		.0110(a)	265.1				
		.0112(a)	268.1				
		.0113(a)	270.1				
		.0119(a), (b), (c)	273.1, 271.3, 273.6, 273.9, 273.13, 273.14, 273.32, 273.33, 273.34				
<a href="#">Safe Management of Recalled Airbags</a>	<a href="#">83 FR 61552, 11/30/2018</a>	.0102(b)	260.10	November 30, 2018	November 30, 2018	Not yet Authorized*	These federal provisions were automatically incorporated by reference with no amendments required to be made to the state rules.**
		.0106(a)	261.4(j)				
		.0107(a)	262.14(a)(5)				
<a href="#">Address Change for Waste Import-Export Submittals from the Office of Federal Activities to the Office of Resource Conservation and Recovery</a>	<a href="#">83 FR 38262, 8/6/2018</a>	.0106(e)	261.39(a), 261.41(a)	August 6, 2018	August 6, 2018	Not yet Authorized*	These federal provisions were automatically incorporated by reference with no amendments required to be made to the state rules.**
		.0107(f)	262.82(e)				

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		State Rules (15A NCAC 13A ...)	Federal Rule Incorporated by Reference (40 CFR...)				
<a href="#">Confidentiality Determinations for Hazardous Waste Export and Import Documents</a>	<a href="#">82 FR 60894, 12/26/17</a>	.0101(d)	260.2(b), (d)	June 26, 2018	June 26, 2018	October 10, 2019	These federal provisions were automatically incorporated by reference with no amendments required to be made to the state rules.**
		.0106(e)	261.39(a)				
		.0107(f)	262.83(b), (f), 262.84(b), (f)				
<a href="#">Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule (2018)</a>	<a href="#">83 FR 24664, 5/30/18</a>	.0103(c)	260.30(f), 260.31(d), 260.42, 260.43,	May 30, 2018	May 30, 2018	October 10, 2019	These federal provisions were automatically incorporated by reference with no amendments required to be made to the state rules. See Revisions to the Definition of Solid Waste (2015) on this document.
		.0106(a)	261.4(a)(23), 261.4(a)(24), 261.4(a)(25)				

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<a href="#">Hazardous Waste Generator Rule Improvements Rule</a>	<a href="#">81 FR 85732, 11/28/16</a>	.0101(d), (e); .0102(b)	260.3, 260.10, 260.11	May 30, 2017	March 1, 2018	October 10, 2019	North Carolina adopted all provisions of this federal rule.+ In addition: - 15A NCAC 13A .0107(a) requires a small quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(i) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(j) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(k) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(l) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(m) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(n) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(o) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(p) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(q) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(r) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(s) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(t) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(u) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(v) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(w) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(x) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(y) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas. - 15A NCAC 13A .0107(z) requires a large quantity generator to maintain aisle space of at least two feet in central accumulation areas.
		.0106(a), (d), (i)	261.1, 261.4, 261.6, 261.33, 261.420				
		.0107(a)-(j)	262.1, 262.10-262.18, subpart B & C, 262.34, 262.35, 262.40, 262.41, 262.43, 262.44, subpart K, L, M				
		.0108(a)	263.12				
		.0109(b), (c), (f), (j), (k), (v), (w), (y)	264.1, 261.15, 264.71, 264.75, 264.170, 264.174, 264.191, 264.195, 264.1030, 264.1050, 264.1101				
		.0110(a), (b), (e), (i), (j), (s), (t), (v)	265.1, 265.15, 265.71, 265.75, 265.174, 265.195, 265.201, 265.1030, 265.1050, 265.1101				
		.0111(c), (f)	266.80, 266.255				
		.0112(a), (e)	268.1, 268.7, 268.50				
		.0113(a), (g)	270.1, 270.42				
		.0118(b)	279.10				
		.0119(a), (g)	273.8, 273.81				

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<a href="#">Imports and Exports of Hazardous Waste</a>	<a href="#">81 FR 85696, 11/28/16;</a> <a href="#">82 FR 41015, 8/29/17</a>	.0101(e); .0102(b)	260.10, 260.11	December 31, 2016	December 31, 2016	October 10, 2019	These federal provisions were automatically incorporated by reference with no amendments required to be made to the state rules.**
		.0106(a) & (e)	261.4, 261.6, 261.39				
		.0107(a), (d), (f), (j)	262.10, 262.12, 262.41, subpart E, F, H				
		.0108(a) & (b)	263.10, 263.20				
		.0109(c) & (f)	264.12, 264.71				
		.0110(b) & (e)	265.12, 265.71				
		.0111(b) & (c)	266.70, 266.80				
		.0119(b), (c), (d), (e), (f)	273.20, 273.39, 273.40, 273.56, 273.62, 273.70				
<a href="#">Disposal of Coal Combustion Residuals from Electric Utilities</a>	<a href="#">80 FR 21302, 4/17/15</a>	.0106(a)	261.4(b)(4)	October 14, 2015	October 14, 2015	October 10, 2019	This federal provision was automatically incorporated by reference with no amendments required to be made to the state rules.**
<a href="#">Vacatur of the Comparable Fuels Rule and the Gasification Rule</a>	<a href="#">80 FR 18777, 4/8/15</a>	.0102(b)	260.10	April 8, 2015	April 8, 2015	October 10, 2019	These federal provisions were automatically incorporated by reference with no amendments required to be made to the state rules.**
		.0106(a), (e)	261.4, 261.38				

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<a href="#">Revisions to the Definition of Solid Waste (2015)</a>	<a href="#">80 FR 1694, 1/13/15</a>	.0102(b), (c) and .0103(a)-(c)	260.10, 260.30, 260.31, 260.33, 260.34, 260.42, 260.43	July 13, 2015	December 1, 2015	October 10, 2019	Through temporary rulemaking, the provisions were effective in North Carolina on December 1, 2015. NC completed permanent rulemaking on July 1, 2016, but the effective date of the provisions is still December 1, 2015.+
		.0106(a), (f)-(l)	261.1, 261.2, 261.4(a)(23), 261.4(a)(24), 261.4(a)(27), 261 subpart I, J, M, AA, BB, CC,				
<a href="#">Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule</a>	<a href="#">79 FR 36220, 6/26/14</a>	.0102(b)	260.10	December 26, 2014	December 26, 2014	October 10, 2019	These federal provisions were automatically incorporated by reference with no amendments required to be made to the state rules.**
		.0106(e)	261.39(a), 261.41(a)				

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<a href="#">Hazardous Waste Electronic Manifest Rule</a>	<a href="#">79 FR 7518, 2/7/14</a>	0101(b)	260.2	August 6, 2014	July 1, 2016	October 10, 2019	
		.0102(b)	260.10				
		.0107(b)	262.20(a)(3), 262.24, 262.25				
		.0108(b)	263.20, 263.25				
		.0109(f)	264.71				
		.0110(e)	265.71				
<a href="#">Conditional Exclusion for Solvent Contaminated Wipes</a>	<a href="#">78 FR 46448, 7/31/2013</a>	.0102(b)	260.10	January 31, 2014	January 31, 2014	October 23, 2015	+ Guidance Documents
		.0106(a)	261.4(a)(26), 261.4(b)(18)				
<a href="#">Academic Laboratories Generator Standards, Alternative Standards for Hazardous Waste Determination and Accumulation</a>	<a href="#">73 FR 72912, 12/1/2008</a>	.0106(a)	261.5(c)(7)	December 31, 2008	April 1, 2010	October 23, 2015	+ Guidance Documents
		.0107(g)	262.10(l), 262 subpart K (262.200-216)				

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